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# ACTS

RELATING TO THE

**School of Mining and Agriculture**

KINGSTON, ONT.

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CHAPTER 115.

An Act Respecting the School of Mining and Agriculture.

[Assented to 27th May, 1893.]

**W**HEREAS The School of Mining and Agriculture, a corporation incorporated under the *Act respecting Benevolent Provident and other Societies*, for the establishment and maintenance of a school for the training and education of miners, prospectors, farmers, artisans, mechanics, workmen and others, in which instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying, agriculture and other related subjects, have by their petition represented, amongst other things, that they have established at the city of Kingston, a school for the purposes aforesaid, and that such school will result in substantial benefits to the eastern part of Ontario, and will conduce to the development of its mining, agricultural and other interests; and whereas with the view of increasing the efficiency and extending the usefulness of the said school, the said corporation desire to obtain certain additional powers in regard to the acquiring and holding of property for the purposes of the said corporation and in regard to obtaining municipal aid for the said school and to provide for the representation on the governing board thereof of municipalities granting such aid and to have confirmed and declared valid the incorporation of the said petitioners for other purposes; and whereas it is expedient to grant the request of the said petitioners;

THE Queen, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The incorporation of The School of Mining and Agriculture, under the *Act respecting Benevolent, Provident and other Societies*, is hereby confirmed and declared to be valid, for the purposes mentioned, in its declaration of incorporation, a copy of which is set forth in the schedule to this Act.

Incorporation under Rev. Stat. c. 172, confirmed.

2. The capital stock of the said corporation shall be the sum of \$100,000 divided into 1,000 shares of \$100 each.

Capital stock.

3. Every person who subscribes to the capital or funds of the said corporation the sum of \$100 shall thereby become and be a member or corporator thereof.

Who to be members.

Power to  
acquire and  
hold property.

4. The said corporation shall be able and capable in law to take, purchase and hold by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the said school, and for residences for the professors, tutors, students and officers thereof, with gardens or pleasure grounds pertaining thereto, already conveyed, or hereafter to be conveyed to the said corporation, and to accept and hold, within the limits hereinafter prescribed, for the benefit of the said school, any gifts, devises or bequests of any property so given, devised or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said school, and to invest such moneys as they deem advisable upon such securities as to the board of governors of the said school shall seem meet: Provided that no gift or devise of any real estate or of any interest therein in favour of the said corporation shall be valid unless made by deed or will executed by the donor or testator, at least six months before his death; and provided always that the real estate not required for the use and occupation of the said school, or for the residences of the professors, tutors, students and officers thereof as aforesaid, shall not at any time be held by it for a longer period than seven years from the time when the same is received by the said corporation, shall revert to the party from whom it came to the corporation, or to his heirs or devisees.

Proviso.

Proviso.

Board of  
governors.

5. The said school shall continue to be under the management and administration of the board of governors, constituted and provided for by its declaration of incorporation and the powers and duties of the said governors shall be those set forth in the said declaration.

Visitor.

6. The Lieutenant-Governor shall be the visitor of the school and it shall be the duty of the board of governors whenever called upon by him or by the Lieutenant-Governor in council to do so, to furnish full and accurate accounts in writing of the property of the school and the income derived therefrom and of the expenditure of all or any part of the funds of the corporation.

Municipalities  
may grant aid.

7. It shall be lawful for any municipal corporation in the Province, whenever and as often as it thinks fit, to grant aid by way of bonus or otherwise to the said school for its maintenance, support and advancement, subject to such terms and conditions as such municipality may think proper and the said school may grant representation on its board of governors to any municipality granting such aid on such terms as may be agreed upon.

## SCHEDULE.

(Section 1).

Declaration pursuant to the Act of the province of Ontario, Chapter 172 of the Revised Statutes of Ontario, 1887, for the incorporation of The School of Mining and Agriculture.

1. We, the undersigned J. B. Carruthers, William Harty, G. M. Macdonnell, D. Fraser, Geo. Y. Chown, Edward T. Steacy, J. B. Melver, D. M. McIntyre, George M. Grant, Isaac Wood, C. F. Gildersleeve, James Swift, M. H. Folger and John L. Whiting, do hereby declare that we have agreed and do hereby agree to be incorporated under the provisions of the said Act as a society or body politic and corporate by the corporate name of The School of Mining and Agriculture.

2. We further declare that the purposes of the said intended society or incorporation are the following, that is to say: To establish and maintain a school for the training and education of students and more particularly of miners, prospectors, farmers, artisans, mechanics, workmen, to whom instruction may be given in the various branches of chemistry, mineralogy, metallurgy, mining and assaying, in agriculture and related subjects in veterinary science, in navigation, in civil, electrical and mechanical engineering and architecture, or any other departments of applied science.

3. The affairs of the corporation shall be managed by a board of twelve trustees or managing officers to be called governors to be elected by the associate members of the society, and the following persons shall be the first or provisional governors thereof, that is to say: J. B. Carruthers, C. F. Gildersleeve, Hiram A. Calvin, G. M. Grant, G. M. Macdonnell, James Swift, William Harty, E. W. Rathbun, Henry Folger, John L. Whiting, George Y. Chown and Charles Haydon.

4. The members of the provisional board shall hold office until the first general meeting of associate members, when they shall retire and an election of governors shall be held as hereinafter provided.

5. After the said first election four governors shall retire annually, but shall be eligible for re-election, and retirement shall always be in alphabetical rotation.

6. A meeting for the election of governors shall be held annually at the city of Kingston on such day in the month of April in each year as may be fixed from time to time by the board.

7. In case of a vacancy by death, resignation or assignment of membership, the board may fill the vacancy, the person so appointed to hold office for the remainder of the term of his predecessor.

8. The persons above named and every other person who agrees with the corporation or with any person as trustee for or on behalf of the corporation to pay a sum of not less than one hundred dollars to or for the use of the corporation, shall be an associate member thereof.

9. An associate member may, by writing either testamentary or otherwise attested by one or more subscribing witnesses, assign his membership, and if he has not done so his executors or administrators may by instrument in writing attested as aforesaid assign said membership to any other person, and upon such assignment being recorded in a book to be kept for that purpose and the instrument of assignment or a copy thereof or an extract of the part thereof expressing such assignment, certified by any notary public or other official person, being deposited with the corporation, the assignee shall become and be a member in place of the assignor or deceased member.

10. The said school shall be established at the said city of Kingston.

11. The board of governors shall have power to appoint and to fix the number, duties, salaries and tenure of office of the professors, lecturers, tutors, masters, officers and agents of the school, and may from time to time remove any of them, and shall fix from time to time the fees to be paid by students or others for instruction or other privileges.

12. The board of governors shall have the control and management of the property and funds of the corporation, and shall have power to adopt, amend, repeal or vary from time to time, by-laws and regulations touching and concerning all or any of the matters aforesaid, as well as concerning the quorum, time and place of meetings of the board, and the election, retirement and duties of the members of the board, and all other matters which to them may seem necessary and proper for the well ordering and advancement of the school.

13. The board of governors shall elect one of their number chairman to preside at their meetings and to sign and affix the corporate seal to all proper instruments in writing on behalf of the corporation.

14. A meeting of associate members shall be called by the provisional board at the city of Kingston at some convenient

time within six months after the proceedings for the incorporation of the said society required by law are complete for the election of a permanent board of governors in place of the provisional board, in which election the members of the provisional board shall be eligible.

(Sgd.)

C. F. GILDERSLEEVE.  
J. B. CAPTHERS.  
WM. HAKLEY.  
G. M. MACDONNELL.  
D. FRASER.  
GEO. Y. CHOWN.  
EDW. T. STEACY.  
J. B. McIVER.  
D. M. MCINTYRE.  
GEO. M. GRANT.  
ISAAC WOOD.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of, The School of Mining and Agriculture.

I, George Milnes Macdonnell, of the city of Kingston, in the county of Frontenac and Province of Ontario, Solicitor, make oath and say—

I. That I was present and did see the several persons whose names are subscribed to the annexed declaration of incorporation duly sign the same, and the signatures thereto are of the proper handwriting of the said persons respectively.

Sworn before me at the city  
of Kingston, in the county  
of Frontenac, this 30th day  
of December, A.D. 1892.

(Sgd.) G. M. MACDONNELL.

(Sgd.) JOHN MUDIE,

A Commissioner, etc.

In the matter of the Act respecting Benevolent, Provident and other Societies, Chapter 172 of the Revised Statutes of Ontario, 1887, and in the matter of The School of Mining and Agriculture.

I, Cornelius Valleau Price, of the city of Kingston, in the county of Frontenac and Province of Ontario, judge of the county court of the county of Frontenac, do hereby certify

that the within declaration has been produced to me and the same appears to be in conformity with the Act respecting Benevolent, Provident and other Societies.

As witness my hand this 30th day of December, A.D. 1892.

(Sgd.) C. V. PRICE,

Judge County Frontenac.

I hereby certify that I have this day filed in the office of the Clerk of the Peace a copy of the declaration for the incorporation of The School of Mining and Agriculture.

(Sgd.) A. L. BRITTON,

Dep. Clerk of the Peace, Frontenac.

Kingston, January 5th, 1893.



## CHAPTER 44.

An Act to amend the Act respecting the School of Mining and Agriculture at Kingston.

*Assented to 15th April, 1901.*

**W**HEREAS the School of Mining and Agriculture, a corporation duly incorporated under *The Act respecting Benevolent, Provident and other Societies* and under the Act respecting the said school passed in the 56th year of the reign of Her late Majesty Queen Victoria, chaptered 115, has established at the City of Kingston a School of Mining and also a Dairy School for the purpose of giving instruction in those subjects as set forth in their Act of Incorporation; and whereas great and substantial benefits have resulted to the City of Kingston and the County of Frontenac and to the Eastern part of the Province from the establishment of the said schools; and whereas with the view of increasing its efficiency and extending its usefulness the said corporation desires to obtain certain additional powers in regard to the subjects to be taught by the schools of the said corporation and in regard to receiving aid from municipalities; and whereas it is desirable to make further provision in regard to the subscription and transfer of stock of the said corporation and the privileges attached thereto.

Therefore His Majesty, by and with the consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said corporation is hereby authorized and empowered to establish and maintain classes for the training and education of students in electrical science, optics, forestry, and all branches of biological, geological and physical science.

School authorized to teach certain sciences.

2. Two or more townships in any county or union of counties may jointly aid the said corporation by granting money or debentures by way of bonus or gift under and subject to the following provisions:

Aid from Townships.

(a) Such aid shall not be given until after the passing by the county municipality, of a by-law for the purpose, and the



Rev. Stat.  
c. 223.

adoption thereof by the qualified ratepayers of each of such township municipalities respectively, in the manner provided for by section 338 and the following sections of *The Municipal Act*.

(b) Before a by-law is submitted under this section to the vote of the ratepayers of such townships, a petition from the municipal council of each of such township municipalities shall be presented to the county council, expressing the desire to aid the corporation and stating in what way and for what amount; and the county council shall at the next regular meeting after the receipt of such petition by the clerk of the county, or at a meeting specially called for the purpose, introduce a by-law to the effect petitioned for and submit the same to the approval of the qualified ratepayers of the township petitioning therefor.

(c) The by-law shall provide for raising the amount petitioned for by the issue of debentures of the county or union of counties and for assessing and levying on all rateable property in the townships petitioning for such by-law, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable half-yearly or yearly, which debentures the county councils, wardens and other officers thereof are hereby authorized to execute and issue in such cases and to deliver the same or the money to be raised thereby as may be expressed in the said by-law.

(d) A by-law which is duly carried by the vote of the qualified ratepayers of the township petitioning therefor, shall be passed by the county council at the next regular meeting thereof after the submission of the said by-law to the ratepayers as aforesaid, or at a special meeting called for the purpose.

Stock to be  
personal  
estate.

3. The shares of the stock of the said corporation shall be deemed personal estate and shall be transferable on the books of the corporation in such manner as the by-laws of the corporation may from time to time prescribe.

Transfer of  
stock.

4. The governors of the said corporation may refuse to allow the entry in any such book of any transfer of shares of stock whereon any payments are overdue or in default until such payments shall have been fully paid up.

Enforcing pay-  
ment of calls.

5. The corporation may enforce payment of calls on stock and interest thereon, by action in any court of competent jurisdiction.

6. Every executor, administrator, guardian or trustee shall represent the stock in his hands at all meetings of the corporation and may vote accordingly as a shareholder. Representation of estate at meetings.

7. If stock be held jointly by two or more persons, any one of them present at a meeting may, in the absence of the other or others, vote thereon, but if more than one joint stock holder be present or be represented by proxy, they shall vote together on the stock jointly held. Joint share-holders.

8. At all general meetings of the corporation, every shareholder shall be entitled to as many votes as he holds shares in the stock of the corporation and may vote by proxy. Voting at meetings.

9. The visitorial powers of the Lieutenant-Governor may be exercised by commission under the Great Seal and the proceedings of any commission having been first confirmed by the Lieutenant-Governor shall be binding on the said school and on all persons whomsoever. Visitorial powers.

10. All the property and effects, real and personal, of what nature and kind soever now vested in the said corporation or hereafter given, devised or bequeathed to or otherwise acquired by the said corporation shall hereafter be deemed to be and shall be so vested in the said corporation for the purposes and objects set forth in the said Act respecting the said school passed in the 56th year of the reign of Her late Majesty Queen Victoria and in this Act and not otherwise, and the administration thereof by the Board of Governors shall in all respects be subject to the visitorial powers of the Lieutenant-Governor as hereinbefore provided. Property vested in corporation.

11. For the purpose of aiding the said corporation in the erection of suitable buildings for the accommodation of the said school and the better carrying on of its work there shall be granted out of the Consolidated Revenue Fund of the Province to the said corporation the sum of \$22,500 per annum for five years, payable in equal one-half yearly payments. Grant in aid of buildings.

12. The said corporation shall have the power to borrow money by way of loan or otherwise for the purpose of carrying on its work and may hypothecate, mortgage or pledge all or any such loans or any indebtedness or money so borrowed for the purposes of the corporation. Borrowing powers of corporation.

Buildings, etc.,  
for which aid  
granted when  
to revert to  
Crown.

13. In the event of the buildings or property, to which the money appropriated as in the preceding sections mentioned has been applied, passing from under the control of the trustees of said corporation, or in the event of the buildings being applied to any other purpose than the uses of said corporation as a School of Mining and Agriculture, then such buildings and the real estate appurtenant thereto shall revert to the Crown, subject to such uses thereafter as the Lieutenant-Governor in Council may direct.

Approval of  
plans.

14. The plans and specifications for any buildings to be erected and to which any appropriation under this Act is applied shall be subject to the approval of the Commissioner of Public Works of this Province.

## CHAPTER 162.

Preamble.

An Act to amend the Act respecting the School of Mining and Agriculture at Kingston.

*Assented to 13th April, 1909.*

**W**HEREAS the School of Mining and Agriculture, a Corporation duly incorporated under *The Act respecting Benevolent, Provident and other Societies*, and under the Act respecting the said School, passed in the fifty-sixth year of the reign of Her late Majesty, Queen Victoria, Chaptered 11, has established at the City of Kingston, a School of Mining and also a Dairy School for the purpose of giving instruction in those subjects, as set forth in its Act of Incorporation; and whereas great and substantial benefits have resulted to the Province from the establishment of said schools; and whereas with the view of increasing its efficiency and extending its usefulness the said Corporation desires to increase its capital stock, to erect additional buildings, and to enlarge its Board of Governors.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The capital stock of the said Corporation is hereby increased to \$500,000, divided into 5,000 shares of \$100 each. Capital stock.
2. In addition to the Governors provided for by the said Act of Incorporation, four Governors may be appointed by the Lieutenant-Governor-in-Council, and four Governors shall be elected by the graduates of the School of Mining, and four Governors shall be elected by the stockholders in addition to the twelve Governors now elected by them. Appointment and election of governors.
3. One of the Governors so to be appointed by the Lieutenant-Governor-in-Council shall retire annually, and the order of retirement shall be prescribed by the Board. The Governor so retiring shall be eligible for re-appointment. Retirement of appointed governors.
4. One of the Governors who shall be elected by the graduates shall retire annually and four of the Governors elected by the stockholders shall retire annually. All such Governors shall be eligible for re-election. Retirement of elected governors.
5. The Board of Governors may pass by-laws to provide for and regulate the election and retirement of the Governors to be elected by the graduates and stockholders as aforesaid. By-laws as to election of governors.